

FILED
APR 01 2010
BY PATRICK E. DUFFY, CLERK
DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ROGER A. STRODTBECK,)	CV 09-153-M-DWM-JCL
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
BRIAN J. JONES, KRISTI CURTIS, and)	
HEIDI ULBRICHT,)	
)	
Defendants.)	
_____)	


Plaintiff Strodtbeck filed his Complaint on October 15, 2009. To date, more than 120 days later, Strodtbeck has not effected service on the Defendants as required by Fed. R. Civ. P. 4(e).

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this case on February 24, 2010. Plaintiff Strodtbeck did not timely object and so has waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court reviews the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d

1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000). I can find no clear error with Judge Lynch’s recommendation and therefore adopt it in full.

IT IS HEREBY ORDERED this case is DISMISSED WITHOUT
PREJUDICE under Fed. R. Civ. P. 4(m).

Dated this 1st day of April, 2010.



Donald W. Molloy, District Judge
United States District Court
